

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, (954) 797-1101

SUBJECT: Ordinance, ZB 1-2-01 Ramos/Parkway Christian Church, 1200 South Flamingo Road/Generally located at the northeast corner of Flamingo Road and SW 14 Street

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT, AMENDING THE DECLARATION OF RESTRICTIONS; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF: The applicant is proposing to expand the school facilities on this site. The Declaration of Restrictions that were provided with the original rezoning of the property limits the parcel to a church and 140 children per day preschool through kindergarten with the school closing at 3:00 pm. The applicant wishes to change the Declaration of Restrictions to a church and 140 children per day preschool and 300 full time children per day kindergarten through fifth grade with the school closing at 5:00pm. The school addition would take the form of a two-floor linear building of approximately 15,000 square feet in area, located immediately east of the existing sanctuary and education buildings. The school would represent an approximate increase in building area of 40 percent. The applicant states that no other site modifications are planned at this time in association with the school building.

PREVIOUS ACTIONS: Town Council tabled ZB 1-2-01 from the 3/7/01 to 4/4/01 meeting at the request of the applicant.

Town Council tabled ZB 1-2-01 from the 4/4/01 to 5/2/01 meeting at the request of the applicant.

Town Council approved the request on its merits at the May 2, 2001 meeting (motion carried 5-0).

CONCURRENCES: The Planning and Zoning Board recommended denial of the request at its April 28, 2001 meeting. (Motion carried 3-2 with Vice-Chair Stahl and Ms. Moore opposed).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve

Attachment(s): Ordinance, Declaration of Restrictions, Land use map, Subject site map, aerial.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT, AMENDING THE DECLARATION OF RESTRICTIONS; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from CF, Community Facilities District to CF, Community Facilities District, amending the declaration of restrictions;

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from CF, Community Facilities District to CF, Community Facilities District, amending the declaration of restrictions:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the owner has voluntarily executed an amended deed restriction on the property described in Section 1:

a. The amended declaration of restrictions is attached as Exhibit "B", hereto, and made a part hereof.

SECTION 3. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as CF, Community Facilities District.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon its

passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____,2001.

PASSED ON SECOND READING THIS _____ DAY OF _____,2001.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001.

DECLARATIONS OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that Parkway Christian Church of Davie, FL, being the owner of that certain real property located in the Town of Davie, Broward County, Florida, and described on Exhibit "A" attached hereto and made a part hereof, voluntarily makes the following Declaration of Restrictions covering the above described real property, specifying that this dedication shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit of the Town of Davie, Florida

1. The above described property shall be used for the following uses:
 - a) Use limited to a church and a church school, nursery, day care, preschool, kindergarten and 1st to 5th grade school. The school will operate Monday through Friday for day care, preschool through 5th grade and will be limited to 140 full time children per day for preschool and 300 full time children per day for kindergarten to 5th grade. School hours will be completed by 5:00 pm.
 - b) There will be no vehicular access from SW 121st Avenue onto the property.
 - c) A 30' landscape buffer will be provided on all sides of the property.
 - d) A fence will be provided on the western side of the lake.
 - e) The church will work with the adjacent residents through out the Site Plan process and a staff member from the Town of Davie will attend the meeting with the residents.
2. These restrictions shall not be construed to grant a use not allowable under the applicable zoning category of the subject property.
3. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors in title or assigns. Any amendment to this Declaration of Restrictions or termination thereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarants or their successors in title or assigns from applying to the Town of Davie, Florida, for modification of this Declaration of Restrictions or termination thereof.

4. Invalidation of any one portion of this Declaration of Restrictions or any portion of this document by judgment or court order in no way shall affect any other provision, which shall remain in full force and effect.

5. This Declaration of Restrictions is executed for the purpose of protecting the health, safety and welfare of the citizens of the Town of Davie.

IN WITNESS WHEREOF, the owner has set their hands and seals this 9 day of May, 2001.

Witnesses:

1) Richard L. Perkins
2) Dale O. Westlund

Douglas E. Stenger
Douglas E. Stenger
Parkway Christian Church of
Davie, Florida

STATE OF FLORIDA)

) SS:

COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 9 day of May, 2001.

by Doug Stenger who is personally known to me or ~~has produced~~ as identification and who did take an oath.

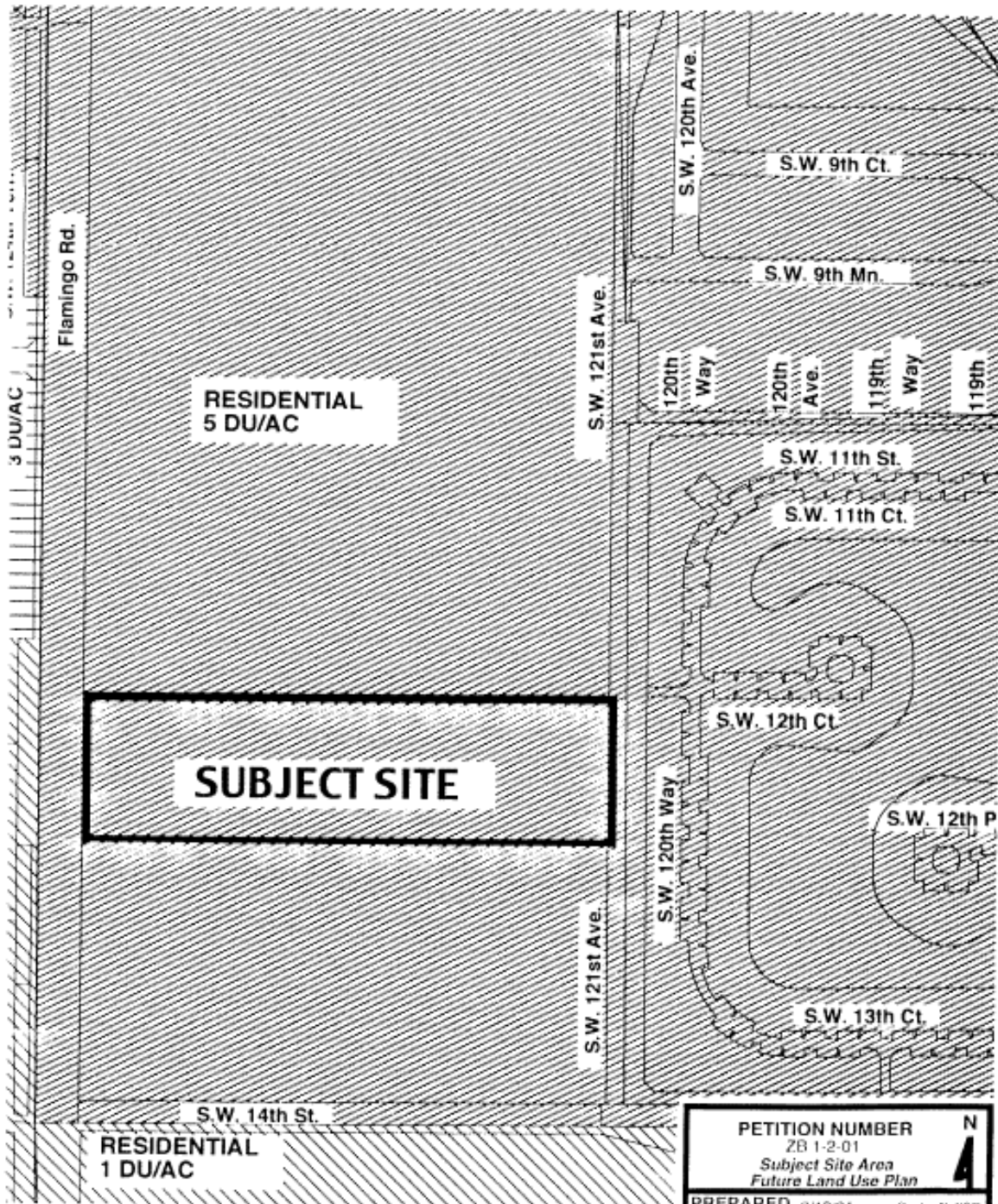
Sign Dona Grice

Print DONA GRICE

3/16/2002
NOTARY PUBLIC, State of Florida

My Commission Expires:





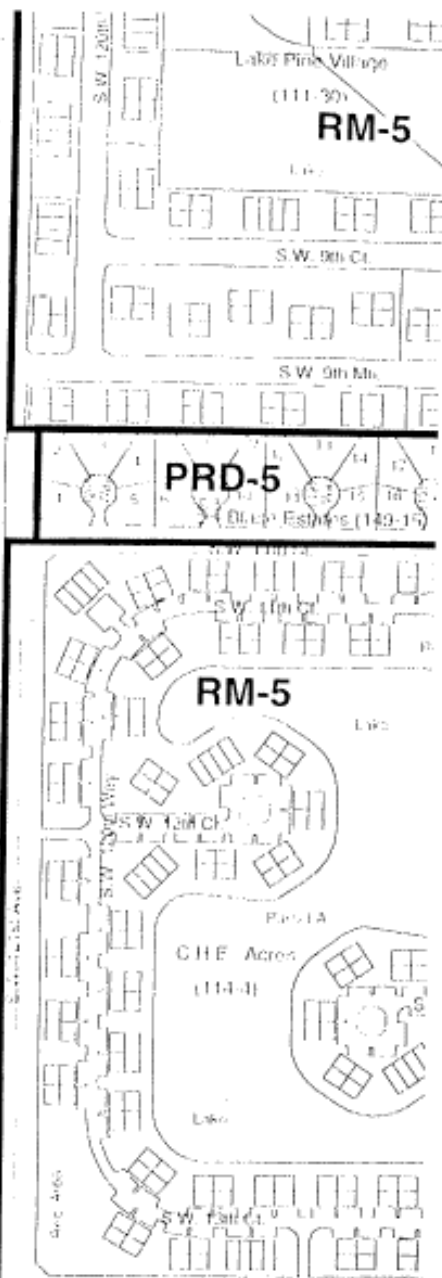
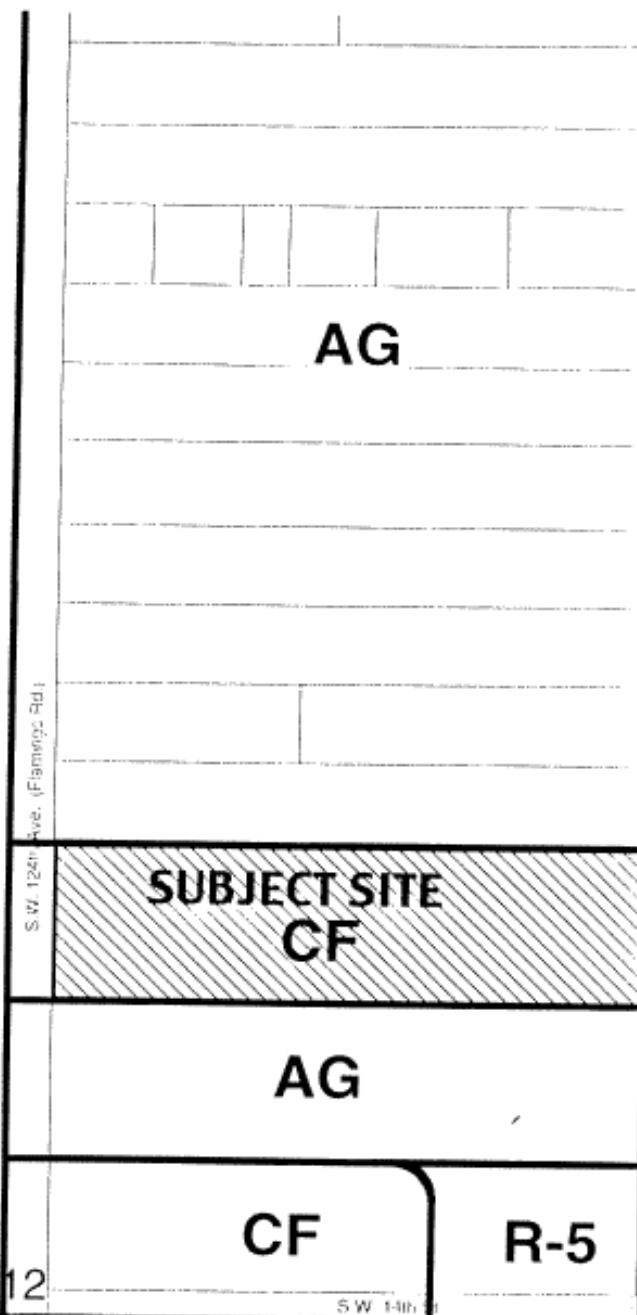
PETITION NUMBER
ZB 1-2-01
Subject Site Area
Future Land Use Plan

PREPARED 2/13/01
BY THE PLANNING &
ZONING DIVISION

Scale: 1"=300'

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PETITION NUMBER
ZB 1-2-01
Subject Site Area Zoning Map
PREPARED 2/13/01 Scale: 1"=300'
BY THE PLANNING & ZONING DIVISION

